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EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/965,137

Applicant(s)

NDILI, AWELE

Examiner

Philip S. Scuderi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Drawings***

The drawings are objected to because wireless mobile device 120 and database management system 140 in figure 1 are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 100. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 5, 7, 10, 11, 13-18, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 recite the limitation "the converted content" in lines 18 and 19 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claims 4 and 5 recite the limitation "identifying a communication protocol, a programming and mark-up language, and a natural language format employed by the network site" in lines 1-3 and 1-3 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claims 10 and 11 recite the limitation "the logic for identifying a communication protocol, a programming and mark-up language, and a natural language format employed by the network site" in lines 1-3 and 1-3 respectively. There is insufficient antecedent basis for this limitation in the claims.

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Claims 13-18, 20, and 21 recite the limitation "the logic for converting the communications to be exchanged" in lines 1-2 of each respective claim. There is insufficient antecedent basis for this limitation in the claims. The examiner suggests "the logic for modifying the content".

Regarding claims 20 and 21, the phrase "for example" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Computer executable logic" comprises instructions not tangibly embodied on a computer readable medium.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-10, and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino et al. (International Publication Number WO 00/39666,

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hereinafter “Carlino”) in view of Murata et al. (U.S. Patent Number 5,987,402, hereinafter “Murata”).

With respect to claims 1 and 7, Carlino discloses a method and a device (fig. 1 #14) for delivering content to a mobile device from a network site where the mobile device and network site may each employ different communication protocols, and/or programming and mark-up languages relative to each other, the method comprising the following steps and the device comprising computer executable logic for performing the following steps:

- receiving a communication from a mobile device corresponding to a request for content from a network site (fig. 1 “Request” between #12 and #14, fig. 2 #26);
- identifying a communication protocol, and a programming and mark-up language employed by the mobile device (inherent in p. 18 lines 4-7, fig. 2 #28);
- determining which of the identified communication protocols, and programming and markup languages differ between the mobile device and the network site (inherent in p. 18 lines 7-12);
- modifying the content in regard to whichever of the communication protocol, and programming and markup-up language of the content differs between the mobile device and the network site such that each of the communication protocol, and programming and mark-up language of the converted content matches the communication protocol, and programming and mark-up language of the mobile device (p. 18 lines 7-14, fig. 2 #(30, 32, 34)); and
- transmitting the converted content to the mobile device in the communication protocol, and programming and mark-up language of the mobile device (p. 18 lines 14-16, fig. 1 “Converted Response” between #14 and #12, fig. 2 #36).

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Carlino does not disclose the method or the device for delivering content wherein the mobile device and network site may each employ different natural language formats relative to each other. Nonetheless, delivering content to a device from a network site wherein the device and network site may each employ different natural language formats is well known, as evidenced by Murata. In a similar art, Murata discloses a method and system for delivering content to a device (fig. 1 #1) from a network site (fig. 1 #5) wherein the device and network site may each employ different natural language formats (col. 2 line 62 – col. 3 line 1). Given the teachings of Murata it would have been obvious to one of ordinary skill in the art to modify the method disclosed above by Carlino by translating between different natural language formats in a manner similar to the translation between different communication protocols, and programming and mark-up languages – obtaining the invention specified by claim 1. The motivation for doing so would have been to enable users to obtain translated versions of retrieved documents with little or no extra effort (col. 2 lines 51-53).

With respect to claims 2 and 8, Carlino in view of Murata teaches the method for delivering content to a mobile device applied to claim 1 and the device for delivering content to a mobile device applied to claim 7. It would have been necessary to identify a communication protocol, a programming and mark-up language, and a natural language format employed by the network server prior to determining which differ, in order to determine which differ.

With respect to claims 3, 4, 9 and 10, Carlino in view of Murata teaches the method for delivering content to a mobile device applied to claim 1 and the device for delivering content to a mobile device applied to claim 7. Murata further discloses that the method for delivering content to a device comprises accessing different types of language formats stored

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on a translation module (col. 5 lines 5-7). Given the further teachings of Murata it would have been obvious to one of ordinary skill in the art to access a data store comprising communication protocol, programming and mark-up language, and natural language format properties of different types of mobile devices. The motivation for doing so would have been so that mobile devices do not have to upload their own communication protocol, programming and mark-up language, and natural language format properties. Murata does not expressly disclose that the data store of the translation module is a database, however it would have been immediately obvious to one of ordinary skill in the art to store the communication protocol, programming and mark-up language, and natural language format properties in a database. The motivation for doing so would have been so that the properties are available as quickly as possible and are easy to query. Murata further discloses that the translation module may be located at a different network site (col. 4 lines 50-52).

With respect to claims 6, 12, and 19, Carlino in view of Murata teaches the method for delivering content to a mobile device applied to claim 1 and the device for delivering content to a mobile device applied to claim 7. Carlino further discloses that identifying a communication protocol, a programming and mark-up language format employed by the mobile device uses a device type contained in request information of the mobile device to make the identifications (p. 18 line 4). It would have been obvious to one of ordinary skill in the art to use other similar available request header information as is known in the art, such as a device serial number, device ID, or useragent to identify the formats employed by the mobile device.

With respect to claims 13-18, 20, and 21, Carlino in view of Murata teaches the device for delivering content to a mobile device applied to claim 7. Carlino further discloses



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that the logic for converting the communications to be exchanged is capable of converting the communications between at least three different protocols, and programming and mark-up languages (p. 19 lines 18-19). Furthermore, because Carlino in view of Murata teaches translating between different language formats in a manner similar to the translation between at least three different protocols, and programming and mark-up languages it would have been obvious to one of ordinary skill in the art to modify the device logic to be capable of converting between at least three different natural language formats. The motivation for doing so would have been so that users from a plurality of countries and geographic regions could access the content in their respective natural languages.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino in view of Murata, and further in view of Marmor (U.S. Patent Number 6,601,108, hereinafter "Marmor").

With respect to claims 5 and 11, Carlino in view of Murata teaches the method for delivering content to a mobile device applied to claim 1 and the device for delivering content to a mobile device applied to claim 7. Carlino in view of Murata does not teach that identifying a communication protocol, a programming and mark-up language, and a natural language format employed by the network site comprises querying the network site. Nonetheless, identifying the standards used by a network site by querying the network site is well known, as evidenced by Marmor. In a similar art, Marmor discloses an automatic conversion system comprising identifying standards used by a network site by querying the network site (col. 11 lines 12-14). Given the teachings of Marmor it would have been obvious to one of ordinary skill in the art to identify the communication protocol,

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programming and mark-up language, and natural language format employed by the network site by querying the network site. The motivation for doing so would have been so that the communication protocol, programming and mark-up language, and natural language format do not have to be parsed from the web page heuristically, which can be error prone.

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino in view of Murata, further in view of Raanan et al. (U.S. Patent Number 6,311,278, hereinafter "Raanan"), and further in view of Chin et al. (U.S. Patent Number 5,825,775, hereinafter "Chin").

With respect to claims 22-25, Carlino in view of Murata teaches the device for delivering content to a mobile device applied to claim 7. Carlino in view of Murata does not teach providing a user interface by which a range of different mobile devices which may access content from the network site may be defined based on the communication protocol, programming and mark-up language, and/or natural language format employed by the mobile device. Nonetheless, defining a range of different devices which may access content from a network site through a device based on the communication protocol, and programming and mark-up language employed by the mobile device is well known, as evidenced by Raanan. In a similar art, Raanan discloses a device (fig. 1 #14) for defining a range of different devices which may access content from a network site through a device based on the communication protocol, and programming and mark-up language (col. 5 lines 20-28). Given the teachings of Raanan it would have been obvious to one of ordinary skill in the art to modify the method for delivering content to a mobile device to further comprise computer executable logic for defining a range of different mobile devices which may access

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content from the network site based on the communication protocol, and programming and mark-up language employed by the mobile device. The motivation for doing so would have been so that only devices that support communication protocols, and programming and mark-up languages that are recognized by the device are allowed to connect to the network site. Furthermore, because Carlino in view of Murata teaches translating between different language formats in a manner similar to the translation between communication, and programming and mark-up languages it would have been obvious to one of ordinary skill in the art to modify the device logic to be capable of defining a range of different mobile devices which may access content from the network site based on the natural language format employed by the mobile device. The motivation for doing so would have been so that only devices that support natural languages that are recognized by the device are allowed to connect to the network site. The above invention taught by Carlino in view of Murata, and further in view of Raanan does not expressly teach providing a user interface for managing the range of different mobile devices which may access content from the network site. Nonetheless, providing a user interface for managing a network device is well known, as evidenced by Chin. In a similar art, Chin discloses a user interface for managing a network device (fig. 3). Given the teachings of Chin it would have been obvious to one of ordinary skill in the art to modify the above invention taught by Carlino in view of Murata, and further in view of Raanan by providing a user interface by which the range of different mobile devices which may access content from the network site may be defined based on the communication protocol, programming and mark-up language, and/or natural language format employed by the mobile device. The motivation for doing so would have been to

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provide system administrators a convenient method for defining the range of different mobile devices.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino in view of Murata, further in view of *borland.com Homepage* (4/24/1999, “<http://web.archive.org/web/19990424111631/http://www.borland.com/>”, hereinafter “Borland”).

With respect to claim 26, Carlino in view of Murata teaches the device for delivering content to a mobile device applied to claim 7. Carlino in view of Murata does not teach providing a graphical user interface to enable the rapid development of mobile applications by aiding the process of aggregating instruction sets to be executed in batches. Nonetheless, providing a graphical user interface to enable the rapid development of applications by aiding the process of aggregating instruction sets to be executed in batches is well known, as evidenced by Borland. In a similar art, Borland discloses a graphical user interface to enable the rapid development of applications by aiding the process of aggregating instruction sets to be executed in batches (p.1 paragraph 1). Given the teachings of Borland it would have been obvious to one of ordinary skill in the art to modify the device for delivering content to a mobile device by providing a graphical user interface to enable the rapid development of mobile applications by aiding the process of aggregating instruction sets to be executed in batches as taught by – obtaining the invention specified by claim 26. The motivation for doing so would have been to enable the rapid development of mobile applications.

### ***Conclusion***

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The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Kobayakawa et al. (U.S. Patent Number 6,119,078)
- Lakritz (U.S. Patent Number 6,623,529)
- O'Shea et al. (U.S. Patent Number 6,189,045)
- Lonroth et al. (U.S. Patent Number 6,826,597)
- Kremen et al. (U.S. Patent Number 5,706,434)
- Kikinis (U.S. Patent Number 5,727,159)
- Greet et al. (U.S. Patent Number 6,247,048)
- Narayanaswamy (U.S. Patent Number 6,611,358)
- Pepe et al. (U.S. Patent Number 5,673,322)
- Sasaki (U.S. Patent Application Publication Number 2001/0013070)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865.


The examiner can normally be reached on Monday-Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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